

From: SARAH TODD  
Security Policy and Operations Division  
7 June 1996

cc Mr Thomas - B  
Mr Legge - B  
Mr Leach - B  
Mr Bell - B  
Mr Steele - B  
Mr Watkins - B  
Mr Perry - B  
Mrs Collins - B  
Mrs Brown - B  
Mr Clarke

Ms Checksfield - B

**NEGOTIATING BRIEF FOR TALKS: NORMALISATION DEMILITARISATION**

Paragraph 8 of Mr Perry's submission of 5 June to PS/Sir John Wheeler promised notes and lines to take for Ministers on a range of confidence issues. Whereas these are not required immediately, I thought you should have them now as they may be needed quite soon. They can be updated later if necessary.

2. Notes on all but one of the subjects listed at Annex A of Mr Perry's paper of 5 June are attached. (A note on security co-operation will follow). Each note sets out a brief background and provides lines to take. Where possible we have provided lines which, without being contradictory, may reassure Unionists on the one hand and Nationalists on the other. However, the clear message is that only when the security situation improves can the security infrastructure be scaled down.

3. I am asking Mrs Collins, Mr White and Mrs Brown to send you notes separately on the other confidence issues mentioned in Part VII of the Mitchell Report.

(Signed)

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SECURITY FORCE LEVELS

Background

During the PIRA ceasefire, 3 Battalions of troops were relocated from Northern Ireland. Further relocations were being considered prior to the breaking of the ceasefire; in addition a significant number of soldiers were taken off the streets. Troop levels now stand at 17,500, compared with the pre-ceasefire level of 18,000.

Lines to Take/Points to Make

- The Government has shown in the past a flexible and imaginative response in respect of security force levels. During the ceasefire troops were relocated to the mainland and many soldiers who remained in Northern Ireland were allocated to duties which did not bring them into contact on a daily basis with the general public. Given the appropriate circumstances, similar steps could very quickly be taken in future.

Reassurance for Unionists

- Troops will not be withdrawn or relocated until the prevailing security situation allows this.
- If the security situation deteriorates manpower levels can be restored at short notice.
- The views of the Chief Constable and the General Officer Commanding are paramount.
- Garrisons will be maintained.

Reassurance for Nationalists

- No desire to maintain the presence of hundreds of troops in Northern Ireland.

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EMERGENCY LEGISLATION

- The Government responded in an imaginative manner previously. Even more could be done given the right circumstances.

The Emergency Provisions (Northern Ireland) Act will shortly be

- The sooner the threat diminishes the sooner troops can be taken away.

Points to Make/Issues to Take

- The Emergency Legislation supplements the ordinary criminal law. It is temporary in nature and will remain on the statute book only for as long as there is a threat of terrorist violence for political ends.
- Successive Governments have always stressed that when a genuine peace is established the legislation would be removed in due course. We repeat that assurance again today.
- Lord Lloyd's review will be completed by the Autumn. That may provide an opportunity for these matters to be discussed in depth and with authority here.

Assurance for Unionists

- While there is a threat from terrorism, powers to deal with that threat will remain available to the security forces.
- In view of the world-wide nature of terrorism, there will be a requirement for permanent anti-terrorism legislation to be available.

Assurance for Nationalists

- The review of the future need for counter terrorist legislation by Lord Lloyd is evidence of the

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EMERGENCY LEGISLATION

Background

The Emergency Provisions (Northern Ireland) Act will shortly be renewed for a further two years. In addition the UK-wide Prevention of Terrorism Act, certain aspects of which apply in Northern Ireland, is renewed each year.

Points to Make/Lines to Take

- The Emergency Legislation supplements the ordinary criminal law. It is temporary in nature and will remain on the statute book only for as long as there is a threat of terrorist violence for political ends.
- Successive Governments have always stressed that when a genuine peace is established the legislation would be removed in due course. We repeat that assurance again today.
- Lord Lloyd's review will be completed by the Autumn. That may provide an opportunity for these matters to be discussed in depth and with authority here.

Reassurance for Unionists

- While there is a threat from terrorism, powers to deal with that threat will remain available to the security forces.
- In view of the world-wide nature of terrorism, there will be a requirement for permanent anti-terrorism legislation to be available.

Reassurance for Nationalists

- The review of the future need for counter terrorist legislation being carried out by Lord Lloyd is evidence of the

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Government's willingness to consider replacement of the current emergency legislation if, as is stated in Lord Lloyd's terms of reference, "the cessation of violence connected with the affairs of Northern Ireland leads to a lasting peace."

- The EPA powers are used only when needed and they contain impressive safeguards (Codes of Practice, Independent Assessor of Military Complaints, Independent Commissioner for the Holding Centres, Written Judgements from Diplock Courts etc).
- During PIRA ceasefire use of powers decreased considerably.

Reassurance for Unionists

- The Government is mindful of its duty to protect all the citizens of Northern Ireland and to ensure they are free from the threat of violence.
- Decisions to make changes to the security infrastructure will be made with due consideration to the prevailing threat and in consultation with the security force commanders.

Reassurance for Nationalists

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SECURITY BASES AND SECURITY FURNITURE

Background

During the ceasefire a number of significant changes were made to security force installations. The Army bases at North Howard Street, Belfast; St Angelo Barracks, Enniskillen; Clady; Bunrana Road, Londonderry and Kilturk were demolished. At many other RUC stations, Army bases and public buildings, the trappings of security such as bollards and gates were taken away. Town centre barriers were opened and control zones rescinded. Since the breakdown of the ceasefire little of the security furniture has been replaced.

Lines to Take/Points to Make

- The Government has already clearly demonstrated by its decisive action in the demolition of five security force bases and the removal of other forms of security trappings that it can respond to a changing security situation. There could well be further movement but this will be dependant on prevailing circumstances which govern the scope of what can be done.

Reassurance for Unionists

- The Government is mindful of its duty to protect all the citizens of Northern Ireland and to ensure they are free from the threat of violence.
- Decisions to make changes to the security infrastructure will be made with due consideration to the prevailing threat and in consultation with the security force commanders.

Reassurance for Nationalists

- Recognised that some security force structures cause particular disquiet within certain sections of the community

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no desire to see these maintained - only there because of the prevailing threat.

- Not possible to sweep away all the security force infrastructure at a single blow but a progressive programme can be implemented given the right conditions.
- Many of the trappings of security have not been replaced following the breakdown of the ceasefire, ie control zones have not been reimposed, town centre barriers remain open, ramps and bollards not replaced in many areas. This is evidence of HMG's flexibility in this area. It is expected that HMIC will be asked to look at the use of plastic baton rounds in the context of a wider review of the handling of public order situations.

Lines to Take/Points to Make

- Plastic baton rounds can be used only in accordance with the principle of minimal and reasonable amount of force necessary for the protection of life and property. Their use in any given situation is a matter for the Chief Constable.
- The use of plastic baton rounds is not free from risk, but no method for controlling public order situations is entirely risk-free. Strict rules apply to their use and any officer who does not adhere to these will leave himself open to disciplinary action.
- In conjunction with HMIC the RUC are reviewing their handling of public order situations.

Reassurance for Unionists

- HMG will not allow political pressure alone to be the factor in any move to discontinue the use of plastic

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PLASTIC BATON ROUNDS

Background

The use of plastic baton rounds has long been a contentious issue. In the main unionists have supported the RUC/Army use of the weapon though individual political representatives have criticised their use against Protestants in certain situations. Nationalists are united in their condemnation of plastic baton rounds. In recent years the use of plastic baton rounds has decreased considerably, though the RUC would maintain they remain necessary for public order containment. Strict rules are applied to their use. It is expected that HMIC will be asked to look at the use of plastic baton rounds in the context of a wider review of the handling of public order situations.

Lines to Take/Points to Make

- Plastic baton rounds can be used only in accordance with the principle of minimal and reasonable amount of force necessary for the protection of life and property. Their use in any given situation is a matter for the Chief Constable.
- The use of plastic baton rounds is not free from risk, but no method for controlling public order situations is entirely risk-free. Strict rules apply to their use and any officer who does not adhere to these will leave himself open to disciplinary action.
- In conjunction with HMIC the RUC are reviewing their handling of public order situations.

Reassurance for Unionists

- HMG will not allow political pressure alone to be the deciding factor in any move to discontinue the use of plastic baton rounds.



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LEGISLATIVE HEED HEARINGS

- The RUC will not be left without the resources necessary to control public order situations.
- Any review of the use of plastic baton rounds will be carried out impartially by professionals, free from political influence and will take the views of the RUC fully into account.

Reassurance for Nationalists

- The Government accepts Senator Mitchell's recommendation that a review should be undertaken into the use of plastic bullets and is set upon putting such a review in train.
- HMG is aware of the contentious nature of plastic baton rounds and particularly the distaste with which they are viewed in the nationalist community. There is no desire to maintain their use for their own sake.

- HMG do not believe that legally-held firearms pose a law and order problem. It is the illegal holding of firearms by terrorists that have caused many of the difficulties faced. There can be no link between legally-held weapons and those controlled by terrorists.

- HMG is currently conducting a review of the firearms legislation. This has been brought about by a growth in the recreational and sporting use of firearms and developments in technology and design.

- The aim is to ensure legislation remains relevant and strikes the correct balance between public safety and the use of firearms in a responsible and legitimate manner.

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LEGALLY HELD WEAPONS

Background

Northern Ireland historically has a stricter regime of firearms control than elsewhere in the United Kingdom. There are for example, few high performance automatic and semi-automatic firearms and those of a military design are prohibited. All applications for a firearms certificate are determined on their individual merits and the law provides the necessary safeguards. There are 87,932 firearms licences covering 134,485 weapons, the vast majority of which are shotguns and air weapons. Licensed firearms do not pose a law and order problem; between 1990 and 1995 only 10 cases were reported of legally-held firearms being stolen and used for criminal purposes and less than 1% of violent crime is attributed to legally-held firearms.

Lines to take

- HMG do not believe that legally-held firearms pose a law and order problem. It is the illegal holding of firearms by terrorists that have caused many of the difficulties faced. There can be no link between legally-held weapons and those controlled by terrorists.
- HMG is currently conducting a review of the firearms legislation. This has been brought about by a growth in the recreational and sporting use of firearms and developments in technology and design.
- The aim is to ensure legislation remains relevant and strikes the correct balance between public safety and the use of firearms in a responsible and legitimate manner.

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Reassurance for Unionists

- The purpose of the ongoing review of firearms legislation is not to reduce the total number of firearms held legally in civilian hands, although tighter controls may be required in some categories.
- The review is not linked to decommissioning in any way.
- A general ban on firearms would be questionable in law and impossible to enforce.
- Applications for firearms will continue to be determined on their individual merits.
- No-one who is an "unfit" person will be able to obtain a firearms licence.

Reassurance for Nationalists

- Legally-held firearms have a history of not being involved in crime and relevant statistics can be provided to support this.
- The review is not linked to decommissioning in any way.
- No rational ground for believing that legally-held firearms will be turned against the nationalist community.



PERSONAL PROTECTION WEAPONS

Background

Approximately 10,226 personal protection weapons are on legal issue in Northern Ireland. Each holder requires a firearms certificate issued by the Chief Constable and approval to hold a personal protection weapon is given only where the RUC have evidence that an applicant's life is under specific threat from terrorists.

Lines to Take/Points to Make

- Personal protection weapons are a direct consequence of terrorist violence. They are for defensive not offensive purposes.
- A firearms certificate must be held in each case; each application is carefully considered and is approved only where there is evidence that the applicant's life is under specific threat.
- If the terrorist threat is removed, personal protection weapons could be withdrawn by the Chief Constable.
- The issue of personal protection weapons is not a matter for political debate but a matter of operational policing.
- No one set of rights has priority over another. The solution must come from both sides. Compromise is the key and the only solution which will have a permanent establishment.
- The Government is open to any suggestions as to how this problem might be solved. An independent body is one possible solution but it has many practical drawbacks as well as



PARADES

Background

There are over 3,000 parades held every year in Northern Ireland. The vast majority pass off peacefully. Most are organised by the Loyal Institutions, who are perceived to be Protestant; many of these marches have been held annually for very many years and are now considered "traditional". At various times over the years, public disorder has occurred during marches; indeed public order problems at several demonstrations last year, and the subsequent breakdown of the ceasefire has brought the matter into sharp focus. It is now a contentious issue. There has been many recent calls for an independent body to be set up to take a look at controversial parades and the routes they take.

Lines to Take/Points to Make

- HMG is fully aware of the issues; on one hand there are those who wish to exercise the right to march, on the other there are those who do not want to see such marches passing through the areas in which they live because they find them offensive.
- Public order is an operational matter for the Chief Constable and he must have the flexibility and freedom to exercise that authority. If necessary, the Chief Constable can ask the Secretary of State to ban individual marches or parades.
- No one set of rights has priority over another. The solution must come from both sides. Compromise is the key and the only solution which will have a permanent establishment.
- The Government is open to any suggestions as to how this problem might be solved. An independent body is one possible solution but it has many practical drawbacks as well as advantages.

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Reassurance to Unionists

- HMG views this as a policing matter and one that should not be subject to political influence, unless the Chief Constable considers it would be appropriate.
- HMG wants to see an equitable and permanent solution to this problem. It does not take one side or the other but simply recognises that each side has a legitimate argument.

Reassurance to Nationalists

- The Government is open to any suggestion as to how this issue can be resolved. However, potential solutions must take into account that no one side can have the final say over the final answer.
- An independent advisory body may have a role to play in this issue, but this requires careful consideration and should not be regarded as the panacea for all ills.
- The Mitchell Principles call for all parties to affirm their total and absolute commitment to stopping punishment killings and beatings and to take effective steps to prevent such actions. We expect all parties participating in these talks to honour that commitment or to be condemned in the eyes of all the people of Northern Ireland.
- Punishment beatings are not as some have claimed a substitute for policing. Groups of self proclaimed vigilantes acting as prosecution, judge and jury cannot in any way be said to be carrying out the wishes of the community but simply satisfying their own narrow agenda.

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PUNISHMENT ATTACKS

Background

Punishment beatings are a phenomenon of the post ceasefire era. Prior to that time, punishment shootings were the method employed by paramilitaries to extend their influence over the wider community and to administer their forms of justice. Since 1994 the number and frequency of such attacks has increased from around 16 a month then to approximately 23 per month. This year alone there have been 116 such attacks.

Lines to Take/Points to Make

- Despite the existence of the ceasefire, since 1 September 1994 over 300 persons have been subjected to paramilitary inspired punishment attacks.
- There is absolutely no justification for these barbaric attacks, particularly now that multi-party talks are underway. They are an affront to justice which have no place in a civilised community.
- The Mitchell Principles call for all parties to affirm their total and absolute commitment to stopping punishment killings and beatings and to take effective steps to prevent such actions. We expect all parties participating in these talks to honour that commitment or to be condemned in the eyes of all the people of Northern Ireland.
- Punishment beatings are not as some have claimed a substitute for policing. Groups of self proclaimed vigilantes acting as prosecution, judge and jury cannot in any way be said to be carrying out the wishes of the community but simply satisfying their own narrow agenda.



OTHER PARAMILITARY ACTIVITY

Background

Since the ceasefires, both sets of paramilitaries have continued to pursue criminal activity. Murders have continued; seven claimed by DAAD, (widely believed to be a cover for PIRA); three thought to be the responsibility of the UVF. In addition INLA have conducted a murderous feud. There have been numerous armed robberies, including that of a Securicor van by Protestant paramilitaries netting £1m. Racketeering has continued unabated. Terrorists have also trained their members, have improved the effectiveness of home made weapons, and targeted RUC stations, Army bases and off-duty members of the security forces.

Lines to Take/Points to Make

- Despite the ceasefires terrorist organisations on both sides continue with their activities in marked contrast to the Government's response. The beginning of multi-party negotiations remove any last excuse for these criminal activities to continue.
- There is no equivalence between the activities of the security forces and those of the terrorists.
- The RUC will continue to pursue those responsible for all criminal activity and bring them to justice.
- The Mitchell Report calls for the total disarmament of all paramilitary organisations and for parties to renounce and oppose any effort by others to use force or threaten to use force to influence the outcome of negotiations. We call on all parties to honour that agreement and call on all paramilitary organisations to cease all activities.



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- The Mitchell Report said the early termination of paramilitary activities, including surveillance and targeting would demonstrate a commitment to peaceful methods and so build trust among other parties and alleviate the fears and anxieties of the general population. That is also HMG's view and we seek the support of all parties here in bringing this about.

Mr. David Pell - B  
Mr. Legge - B  
Mr. Leach - B  
Mr. Bell - B  
Mr. Watkins - B  
Mr. Hill (B&L) - B  
Mr. Stephens - B  
Mr. Wood (B&L) - B  
Mr. Maccabe - B  
Mr. Dickinson - B  
Mr. Campbell-Bannerman - B

Mr. Thomas - B

THE OPENING DAY OF NEGOTIATIONS: CHRONOGRAPHY ETC

The Secretary of State has asked to have a briefing meeting this afternoon to nail down arrangements for the handling of the start of negotiations on Monday.

I do not want to propose a detailed agenda but, as an aide memoire, it might be helpful to divide discussion into two parts. The first might consider the precise sequence of events on Monday covering where appropriate, the following elements:

- (a) involvement of the Prime Minister, Taoiseach and other Ministers;
- (b) handling of the media;
- (c) security; and
- (d) dealing with Sinn Féin.

12.30 - end PM in C&S; Main entrance  
L1545+  
PM - 12  
TU

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